

**TOWN OF EAST FISHKILL  
PLANNING BOARD MEETING  
MARCH 7, 2017**

Planning Board Chairperson Lori Gee called the meeting to order. Members present were Steve Caswell, Craig Smith and John Cutler. Michael O'Brien and Jason Paraskeva were absent. Alternate Member John Eickman was present and acted for the absent Members. Town Professionals present were: Thomas F. Wood, Esq., Attorney; Michelle Robbins, Planner AICP; Peter Setaro, Morris Associates, and Scott Bryant, Town Engineer. Pam Baier, Planning Board Clerk, and Kathleen Mahodil, Meeting Secretary, were also present.

**CHAIRPERSON COMMENTS**

Ms. Gee began the meeting with the Pledge of Allegiance.

She announced that the Upcoming Meeting Dates are: March 21 and April 4, 2017

The Approvals of Minutes of Meeting held January 17, 2017 was held over to the next meeting agenda.

**MINOR MODIFICATIONS:**

*Susco/DiFusco Lot Line Realignment, Brigam Lane.*  
Stephanie Susco was present.

Ms. Gee confirmed that the Board now had all the needed signatures. She said, since it is a small amount of square footage and a minor modification to the plan, this could be done by Motion, rather than Resolution. Ms. Robbins said that is correct. Ms. Gee asked if there was anything else that should be discussed. Ms. Robbins said it had been pretty much summarized at the last meeting and the only issue was that the right signatures were not on the application.

1 Mr. Bryant asked about the setback issue and Ms. Robbins said that had been figured out. Mr.  
2 Bryant said the septic is currently 20 feet from the property line on the plan and there is 10 feet to  
3 move the lot line and bring the parcel into conformance. He said a variance is still needed. Ms.  
4 Gee asked if he was asking for something different than what is being proposed and Mr. Setaro  
5 asked if it was a variance from the Zoning Board. Ms. Susco had already been to the Zoning  
6 Board and was told a lot line realignment was needed. Mr. Bryant said the whole problem could  
7 not be solved with a lot line realignment; it could be mitigated. Ms. Susco asked about the septic  
8 on her neighbor's property and Mr. Bryant said it was 20 feet and the lot line could only be  
9 moved 10 feet. Ms. Robbins said a smaller variance would be needed and Mr. Wood said it is on  
10 the Zoning Board's Agenda. He said the hope was to go further, which would have eliminated the  
11 variance and told Ms. Susco that the lot line can only be moved 10 feet and the Zoning Board  
12 would have to give a 10 feet variance to make up the difference. He told her she has done  
13 everything she can. Ms. Gee asked if the lot line realignment, as it is currently drawn and  
14 presented to this Board, is accurate and does not need to be changed. She said Mr. Bryant said  
15 something about 16 feet versus 10 feet and she asked if something needed to be changed. Ms.  
16 Robbins said it needed to be changed and Ms. Gee asked if it was allowed by Motion of this  
17 Board. Mr. Wood said it is a lot line realignment, and, since it is under 20,000 SF and doesn't  
18 require the filing of a map; it is done by deed. He said the resolution of approval would just say  
19 that the Board allows the line to be moved up to 10 feet. Ms. Gee said there is no Resolution and  
20 it was going to be done by Motion as a Minor Modification.

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22 Ms. Gee told Ms. Susco that the professionals are saying that, by Motion, the lot line is allowed  
23 to be moved and this would be completed by the filing of revised deeds, which shows the change  
24 to the metes and bounds of her property. She explained further that she would still have to go to  
25 the Zoning Board because the maximum change that can be made would still cause her to be out  
26 of compliance with the zoning. She said the lot line realignment would be done this evening,

1 assuming the Board passes the Motion, and then she would work on the deed with the Town  
2 professional to be sure the lot line is not moved more than what is permitted to be moved. Then,  
3 she said, she would need to go back to the Zoning Board where there is a pending application, to  
4 complete it with them. Mr. Wood told Ms. Susco that it just changes the dimensions; it does not  
5 change what she has to do.

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7 There were no further comments or questions from the Board Members.

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9 Ms. Gee asked Mr. Setaro if he had cited everything, as she knew he had some questions. He  
10 replied that, after the last meeting on this, he sent an email about the offsets to the property line  
11 and he thinks the email also contained that there may be a Health Department setback from the  
12 septic tank on the applicant's lot, to the pool. Ms. Gee asked if that would be by Zoning Board  
13 variance as well, and Mr. Setaro said No, it is a Health Department item. He thinks the setback  
14 for the septic tank is 35 feet to the pool. He does not recall what it was on the plan. Ms. Robbins  
15 said they could not tell exactly but had a general idea. Mr. Setaro told Ms. Susco that, when they  
16 reviewed the original map, they looked at the patio that leads up to the pool - and he asked if the  
17 septic was under the patio. he said it seemed that it would be, based on the original file. Ms.  
18 Susco said, when she walks out her back door, there is a deck, steps, and then the septic is to the  
19 left of her patio; her pool is in front of it. Mr. Setaro said, without really knowing where the  
20 septic is, it is hard to tell if there is an issue with the setback to the pool, for the Health  
21 Department. Mr. Bryant said that is a separate action and Mr. Wood said it is beyond this Board  
22 and nothing that this Board is doing will create it or enhance it; it is separate.

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24 There were no further comments from the Town Professionals.  
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2       **MOTION made by Craig Smith, seconded by John Cutler, to approve the Lot Line**  
3       **Realignment to allow movement of the line by 10 feet to lessen the encroachment,**  
4       **with the condition that the applicant will return to the Zoning Board to complete**  
5       **any required needed variances. The revised deed for the exact dimensions for the**  
6       **alignment is to be brought to the Planning Office to be sure of accuracy. Voted and**  
7       **carried unanimously.**  
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11       **DISCUSSION:**

12               *Stewart Scott, 4 lots Warren Farm Road.*  
13       **Jordan Valdina PE Synergy Design was present.**  
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15       Mr. Valdina displayed the plan and began by saying that he is returning to the Board and plans on  
16       keeping the layout as shown last time. He said it depends on the soil across the street, where 16  
17       test holes were done and that it appears to be clay, clay and clay. He said he does not think it is  
18       feasible for a mounded septic system, which didn't seem to fit across the street. Ms. Gee asked  
19       when the test holes were done and Mr. Valdina replied they were done a few months ago. Ms.  
20       Gee said there were some issues with the current layout, as Mr. Bryant had sent him an email;  
21       there cannot be any sidewalks in the easement and one of the houses is bordering it. She asked  
22       Mr. Valdina what he proposed to do. He pointed out on the plan where the house borders the  
23       easement and said the houses shown are rectangles. He said they are not the actual size and they  
24       could shift the house a bit and said the question then is what is the acceptable amount from the  
25       easement to the house. He said he could have cheated it by changing the house size. Mr. Bryant  
26       stated that it would depend on how much was needed in the front for the sidewalk; one person  
27       may elect to put the sidewalk up tight to the foundation and no landscape, but another may want  
28       6 feet. Ms. Gee asked Mr. Bryant if it was okay to cross the easement with an encased well. She  
29       told Mr. Valdina that he may be able to do that and so long as the crossing is engineered. Ms.  
30       Gee told Mr. Valdina that he may be able to move the placement of the house if the well pipe  
31       could cross the easement, which could maybe be to the parcel above, depending on where he

1 would have to sight things. He said he was looking at an underground cross easement and that  
2 the well line is less desirable than blacktop. Mr. Bryant said this went to the highway  
3 Superintendent and an email went out stating that it would work out, providing it is engineered.  
4 He added that this is if the Board knows it was professionally engineered and encased in steel,  
5 and there is monitoring to locate it. Ms. Gee said it would seem like having to briefly interrupt  
6 the well water line and was going to be a cost to a future homeowner, putting in a well line  
7 versus having to install and reinstall would be less of a cost. She said it would be less of an  
8 impact over the other. Mr. Bryant added that, if it is properly protected there should not be any  
9 interruption in it. Ms. Gee said if the driveway is on it, one is pulling up the driveway, and in the  
10 worst case, if it is the pipe running through cut the well pipe and reinstall. Mr. Bryant said not if  
11 it is properly installed and Ms. Gee said it is just the worst case scenario. Mr. Bryant said it could  
12 break just digging and planting.

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14 Mr. Valdina said, looking at this geometrically, he thinks he can achieve it, without having the  
15 well line cross it, just by changing the size of the house, but he has not analyzed it yet. Ms. Gee  
16 commented that the other parcel on the lower piece was very close, both to the house next to it  
17 and closely wedged in. She said the drainage flow was having to be redesigned, knowing it could  
18 have a well pipe crossing the easement, may allow it to be spread out a bit, and not having to  
19 change as much of the drainage as originally amending with the current version of this plan. She  
20 told Mr. Valdina that this did not have to be solved this evening, but is something he should look  
21 at. Mr. Valdina said he wanted to mention that he does not think he can do it, and pointed out the  
22 2 septic systems on the plan, saying they are what is driving the constraints on the property. He  
23 said it is the setback from wetland and property boundary. He said he will definitely look at it to  
24 see if this can be adjusted, but that is how it got to where it is. Ms. Gee asked if anything had  
25 been provided showing the 3 houses on the upper lot. Mr. Valdina replied that he had done this,  
26 through Email. Ms. Gee advised him that, anything submitted to the Town professionals should

1 also be sent to the Planning Board office. Mr. Bryant said any modifications to the one could be  
2 made to the other in trying to get a house on the other side, with adjustments made.

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4 Mr. Bryant asked, as far as relocating the easement, and the piping, if it was the intent that the  
5 applicant would do that, or is it the intent that a future buyer would do that. Mr. Valdina said he  
6 did not know, he is only the engineer for the site. Mr. Bryant said he is not keen on another party  
7 buying this and coming to the Board that they do not want to move the easement. Ms. Gee said  
8 she feels there are 4 lots here and the easements would not have to be changed. She said she is  
9 not sure about the septic, but asked if there as a way to reorganize the site. Mr. Valdina said he  
10 would certainly try, but he wants to avoid coming back to the Board and he is saying it over and  
11 over again because he wants this to move forward. Ms. Gee told him then he would need to  
12 communicate with the Board as to what he is trying to do and what is working. She said the more  
13 information provided ahead of the meetings, the more he can work with the Town professionals.  
14 She said when he comes back again, it would be a little closer to the layout being finalized. Mr.  
15 Valdina pointed out on the plan where he would need to get the house closer to the property line.  
16 Ms. Gee said, to be very clear, it is that he would not have to try to not move, or impact, the  
17 easement, as little as possible. She told Mr. Valdina to try to find a layout, knowing the Highway  
18 Supervisor said what can be allowed within the easement, and a layout that maybe works better  
19 than this one. She added that it would be one that doesn't have to impact the existing easement,  
20 as it currently sits. Mr. Valdina summarized saying he would do that, show the analyses that it  
21 would have less impact and then continue from there.

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23 Mr. Setaro suggested an office meeting with the applicant's engineer and the Town professionals,  
24 saying a lot of this could be hashed out that way, so it would help him to get the professionals'  
25 input right away. Then, the next time the applicant's engineer returns to the Planning Board, he  
26 said there would already be something that the professionals are relatively comfortable with.

1 Mr. Setaro said, as far as splitting up Lot 12A into 2 lots, if the Town is okay with some buffer  
2 encroachment on the one wetland, which is only a Town buffer, perhaps the fill pad could then  
3 be squeezed a little bit further up and make it work. He said if it balances with making the whole  
4 subdivision and it just means for the Town to consider a wetlands permit for some minor  
5 encroachment of the buffer, it may be something to balance and think about.

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7 Ms. Gee told Mr. Valdina that he has the benefit of what he has studied, i.e. holes tested, clay  
8 seen, and the Board does not have the benefit of where it was tested or what it looks like right  
9 now.

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11 Mr. Setaro suggested 2 things to be checked before an office meeting is set up, and it has to do  
12 with the Health Department. He said he does not remember what the setback is, for the drainage  
13 pipe to the septic system. He thinks it is 35 feet, but he does not remember if the Health  
14 Department measures this from the bottom of the fill pad, or from the actual drain field. He told  
15 Mr. Valdina to look at this because some are being squeezed, obviously, for the drainage  
16 easements. He said to also check on what the Town engineer just brought up. Because of the  
17 septic fill pads, being 3 to 4 feet high, does the elevation of the septic compare to the elevation  
18 of the well, if the septic is higher and it is technically supposed to be 250 feet. He said he is not  
19 sure that this is on the plan and something that should be checked. Mr. Valdina said he took  
20 some precedent with the previous set of drawings, how they were developed and the design  
21 interpretations. Mr. Setaro told him he may just want to have a conversation with the Board of  
22 Health on the parameters before sitting down with the professionals, so it is known what might  
23 work, and it would be helpful to have this information. Once there is the information, he said to  
24 contact the Planning office to set up the meeting. Mr. Valdina said they are getting busier with a  
25 more formal workload and there is preliminary approval from Town but he will work with Marie.  
26 Mr. Setaro said to let him know, and he can make a call; input is needed from them as this is a

1 little tricky. He confirmed that he had received the Email from the Planning office that Mr.  
2 Valdina referred to, with a small scale of the alternate layout.

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4 Ms. Gee told Mr. Valdina when he has the final drawing and the additional information, he is to  
5 submit it to the Planning office and he would be put on the next available agenda. Mr. Valdina  
6 thanked the Board, saying he would discuss this with the Board of Health, and the Town  
7 engineers, and make sure that the parties are satisfied and issues exhausted, to minimize any  
8 impacts. Ms. Gee said to shift out of the easements and, if he can, find a little more space for the  
9 one lot that is tight. Mr. Valdina said he understands that the first priority it is avoiding the  
10 impact on the easement, over proximity to the neighbor. Ms. Gee said that she would say they are  
11 both important, but minimizing the movement of the easement would be a priority. She said, to  
12 Mr. Setaro's comment, that there may be a way to have a different layout with a small wetlands  
13 permit.

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21 **MEMBERS STEVE CASWELL AND CRAIG SMITH RECUSED FROM PARTICIPATING**  
22 **IN THE EXTENSION OF FINAL APPROVAL FOR GLOBAL FOUNDRIES AND IBM**  
23 **GROUNDWATR REMEDIATION PUBLIC INFORMATION HEARING - AND BOTH**  
24 **GENTLEMEN LEFT THE MEETING ROOM.**  
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**EXTENSION OF FINAL APPROVAL:**

***GlobalFoundaries US2LLC, 8 lot Subdivision, Route 52.***

Martin Bayard, Chazen Companies and Robert Newhard, Facilities Engineer were present.

Mr. Bayard began, saying he was before the Board for the 6 month Extension for Final Approval. He said GlobalFoundaries has been working diligently with the Town experts, however, he said more time is needed to work out the details. Ms. Gee said that, between the Preliminary Approval and Final Approval, some of the conditions had been refined and some were satisfied. She asked Mr. Bayard if there were some sticky points or were they just working through what needs to be done. Mr. Bayard replied that there are a number of things still being worked through and he thinks setting up the GlobalFoundaries Corporation for the sewage treatment plant is one. Ms. Gee said she knows at one point a couple of the items were worked through and she asked if this is still going where it was headed. Mr. Bayard said Yes, there has been no change of direction. He said the subdivision map is set and Ms. Gee asked if any road boundaries had moved since the last time and Mr. Bayard said that was correct. Ms. Bryant asked if this had been confirmed, as far as the metes and bounds for the property. Mr. Newhard replied that, the discussion that was had this morning relevant to the lot line encroachment, as it applies to the setbacks to the buildings and there will be more discussions, so he will confirm this; it did not get finalized as was talked about. Mr. Bryant said there may be potential changes to the metes and bounds. Ms. Gee asked if this was minor in nature and Mr. Bryant and Mr. Newhard agreed that this is so. Mr. Newhard said that this is still headed in the right direction; it is just a timing thing.

There were no comments from the Board Members and no further comments from the Town professionals.

Ms. Gee noted that there was not a quorum and asked Mr. Wood about it. Mr. Wood said the Board has to function and was acting under the Rule of Necessity; the 3 members would

1 constitute the quorum. Accordingly, Ms. Gee asked, under the Rule of Necessity, if there was a  
2 motion

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4 **MOTION made by John Cutler, seconded by John Eickman, for a (6) six-month**  
5 **Extension of Final Approval. Voted and carried unanimously. Ms. Gee said, under**  
6 **the Rule of Necessity, the vote carried with a 3-Member Board unanimous approval.**  
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8 Mr. Bayard thanked the Board.  
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14 **PUBLIC INFORMATION HEARING:**

15 ***IBM Groundwater Remediation, Route 52.***

16 Kay Roberts, Esq. was present  
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18 Ms. Gee confirmed with Ms. Baier that everything needed had been received, in order to open a  
19 Public Hearing.  
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21 **MOTION made by John Cutler, seconded by John Eickman, to open the Public**  
22 **Information Hearing. Voted and carried unanimously. Ms. Gee stated that, by the**  
23 **Rule of Necessity, the 3-Member unanimous approval was sufficient.**  
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26 Ms. Roberts gave an overview of the project before public comment, saying that IBM had  
27 submitted an application for Site Plan Amendment on April 29, 2016, revised June 28, 2016, and  
28 further revised August 1, 2016. She said IBM is seeking to build 3 GTFs on the site, which  
29 would allow them to separate the remediation to conduct from the GlobalFoundaries  
30 infrastructure. She said this is in the event that they ever need to discharge separately. She said  
31 that, as the Board and Town staff are aware, IBM and Globalfoundaries currently have an  
32 agreement whereby IBM sends their treated groundwater to GlobalFoundaries, who reuses the

1 water for the manufacturing processes. There is a Letter of Intent from July 2016 that the water  
2 sharing will continue and she said they are working on the contract to extend the agreement as  
3 well. Ms. Gee questioned if it is the continued intention of both applicants to the original  
4 subdivision and the site plan changes to continue to enter into the water agreement and Ms.  
5 Roberts agreed that it was.

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7 Ms. Gee explained that the Public Information meeting tonight was that the applicant came back  
8 stating they are going to share the water. She said there is a Letter of Intent they are going to sign  
9 the water agreement, however the future is unknown. She said she wanted to make it clear that if  
10 there were changes in the future and the water could not be shared, or if something is going to  
11 happen and the water is no longer shared, it does not necessarily mean the applicant is required to  
12 come back to the Board. She said that, obviously if there is laying pipes, or building a building,  
13 it would require the matter to come back. Just a change in use does not trigger this to come back  
14 to the Board. She said that, to that end, the Board has looked at what is permitted at the site, what  
15 the use is today, and what the potential use would be if the water is no longer shared. In  
16 summary, she said what it might look like, in addition to the water that is used at the site today,  
17 which is approximately 3 million gallons per day and it could up to an additional, on average,  
18 600,000 gallons per day, if the water was not shared at all, and with the potential for up to 1  
19 million. Ms. Gee continued, saying there is a SPEDES Permit in place and a SPEDES permit  
20 application pending which information is in a proposed revision to the Negative Declaration. She  
21 said they wanted to be sure it was discussed and brought through the process this evening. She  
22 confirmed with Ms. Robbins that she had not said anything inaccurate.

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24 Ms. Gee asked the Town professionals if there was anything that should be added or shared  
25 before this moves to public comment and she also asked the Board Members if they had any  
26 questions. Neither had any responses.

1 There was no one present in the audience to speak for or against the matter or share comments on  
2 the Groundwater Remediation Plan.

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4 Ms. Gee reiterated for the record that the intent is to share the water but the potential exists that  
5 the water would not be shared in the future, but it is not now the intent of either party to abandon  
6 the current agreement. Ms. Robbins said that is correct.

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8 Ms. Gee asked Mr. Wood if, because there was no one from the public to be heard, was it okay to  
9 close the Public Information Hearing and Mr. Wood said Yes.

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11 **MOTION made by John Cutler, seconded by John Eickman, to close the Public**  
12 **Information Hearing. Voted and carried unanimously. Ms. Gee said, with the 3-**  
13 **Member unanimous consent, the Public Hearing would be closed as a matter of**  
14 **necessity.**

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16 Ms. Gee said there was a revised Negative Declaration which was shared with the Board  
17 Members. The only portion of the Negative Declaration was the revised was the amendment date  
18 of March 7th on the first page. On page 5, under Section 3, she said there is some language that  
19 explains that, while there is an intent to continue to share the water, the permits at the site allow  
20 discharge, up to 6 million gallons per day and actual usage is just 3 million gallons per day. The  
21 potential, with pending permits, would be up to 7 million gallons per day. She reiterated that with  
22 the intent, and if the water is not shared, it may move to 3.6 million gallons per day. Ms. Gee  
23 continued, saying the rest of the language is fairly specific to outfalls; no new piping is proposed  
24 and either the existing outfalls are being used for the treated wastewater or today's outfall for  
25 stormwater. She said it is noted that the stormwater outfalls will still be used for that and there is  
26 no amount for permitted stormwater discharge; it is just for whatever nature provides. The  
27 system is built to handle that flow and the amount of water to be discharged from the site in the

1 event of a storm event. Ms. Gee asked, stating although she had not read the Neg Dec out loud,  
2 were there any questions from anyone.

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4 **MOTION made by John Cutler, seconded by John Eickman, to approve the**  
5 **Negative Declaration, as amended on March 7, 2017. Voted and carried**  
6 **unanimously. Ms. Gee stated that, by the Rule of Necessity, with 3 Members**  
7 **on the Planning Board, and based on the recusals from the Board, the**  
8 **Negative Declaration is approved.**  
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13 Ms. Gee asked Ms. Robbins this was ready for the Final Approval this evening and she replied  
14 yes. Ms. Robbins said the only issue was that the final Site Plan was referenced. Ms. Robbins  
15 explained that, with the 6 months Extension for GlobalFoundaries, she wanted to be sure that  
16 there was a way they could submit for approval and get it sooner than the 6 months. She asked if  
17 the Resolution could provide for this and if it could be kept separate. Ms. Gee asked if this was in  
18 case it was before the subdivision was actually followed. If so, she said a map as of today and a  
19 map as of post-subdivision could be provided. Mr. Wood said the lot lines would have changed  
20 on the Subdivision Map and Ms. Gee added that the Site Plan would show the lot lines. Mr.  
21 Wood said right now the intent is that the Site Plan covers all the property, regardless of how it  
22 was divided out. He said if a particular site is then amended within the lot, then they would start  
23 to get separate site plans for each lot. Ms. Gee said she would still like to have it submitted with  
24 both the subdivision overlay and the map so that encroachments are not inadvertently created.  
25 Mr. Wood said, other than the buildings that are known to be under construction, they are  
26 approved by the Board. He said they were laid out in such a way that they are reflected on the  
27 Subdivision map and taken into consideration. He said there is the amendment to the existing  
28 Site Plan, the Site Plan is what would remain in effect, regardless of the filing of the Subdivision  
29 map. He said the location of the buildings was all taken into account with respect to the

1 Subdivision map. Ms. Gee said that right now she did not have a separate map separate from the  
2 Subdivision map, that locates these buildings. Ms. Robbins asked if IBM could have someone  
3 draft the map and submit it, and could that be the final condition. She reiterated that they did not  
4 want to have to wait 6 months. Mr. Wood said it is being treated as a Minor Amendment to the  
5 Site Plan and it is just the removal of the pumps from the existing buildings into buildings not of  
6 significant to the size relative to the buildings on the site. Regardless, he said in this process, a  
7 new map would never be required. Ms. Gee questioned that a new map would not be required for  
8 the 3 buildings to be constructed and disagreed. Mr. Wood said, for an Industrial site of this size,  
9 it is all relative and they if a commercial place comes in for a new enclosure for their garbage  
10 dumpsters, it is done without a new map, and approved. The size of the building to a new  
11 commercial strip is in proportion. He said in this particular case, there are 3 small buildings in  
12 comparison to the 300,000 Square Feet. For this project, he said there are 3 small a new map was  
13 not required. Although sketches were submitted, Mr. Wood said a new site plan was never  
14 required. Ms. Robbins said the "Whereas" clause could say "pursuant to the maps and drawings  
15 submitted in the most recent, August first application". Ms. Gee asked if the August 1st  
16 application showed revised through June 28th, or did it have a different date on it. Ms. Robbins  
17 said she did not know and did not have it with her.

18 Mr. Bryant said that may change again. Ms. Robbins asked if the Subdivision could come out  
19 and just show the Site Plan. Ms. Baier provided Mr. Wood with the application as it was filed.  
20 He said the application overlays the existing Site Plan, showing the locations of the buildings.  
21 Ms. Gee said one of them had to be moved because there was an encroachment. Ms. Robbins  
22 said Mr. Wood was looking for the maps that were referenced in the Resolution. In reviewing the  
23 map provided by Ms. Robbins, Mr. Wood said it shows June 28, 2016 as the Amended Plan. Ms.  
24 Gee said that is the one that was a revision after the encroachment and one referenced crossing a  
25 lot line. Mr. Wood said there was another building that does cross the lot line, but this is revised.  
26 She is fine with what Mr. Wood is saying but she just does not want to inadvertently allow a field

1 change that would put one of the buildings permits across the subdivision lines. Mr. Wood said  
2 then it would be shame on the building department when builders come in for their building  
3 permits.

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5 Ms. Gee said it appears that an additional condition would need to be added to the Resolution as  
6 the Map is accepted.

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8 There were no further comments from the Board Members and Ms. Robbins said she thinks  
9 everything is up to date in the Resolution.

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15 **RESOLUTION OF FINAL AMENDED SITE PLAN APPROVAL**

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18 **NAME OF SITE PLAN: IBM Groundwater Remediation System Separation**

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20 **NAME OF APPLICANT: International Business Machines Corporation**

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22 **LOCATION: 2070 Route 52, Hopewell Junction**

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24 **GRID NO.: 6356-04-980140**

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28 **Resolution Offered by Planning Board Member John Cutler**

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30 **WHEREAS,** the applicant has applied for amended site plan approval to include 3  
31 groundwater treatment buildings one 42'x82, one 32'x62' and a second 32'x62' on a 458 acre  
32 lot; and  
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1       **WHEREAS**, the applicant submitted its Site Plan Amendment Application on April 29,  
2 2016, a revised Site Plan Amendment Application on June 28, 2016, and revisions to the Site  
3 Plan Amendment Application on August 1, 2016, and  
4

5       **WHEREAS**, under SEQR, a coordinated review was undertaken, and  
6

7       **WHEREAS**, the Planning Board held Public Hearings on July 5<sup>th</sup> and August 2, 2016,  
8 and a Public Information Hearing on March 7, 2017, and  
9

10       **WHEREAS**, and the Board adopted a Negative Declaration on August 16, 2016, with  
11 revisions made on October 4, 2016 and March 07, 2017, and  
12

13       **WHEREAS**, the Applicant has submitted a final site plan and further finds that the  
14 application meets the Town's requirements for final site plan approval, subject to the conditions  
15 set forth below.  
16

17       **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby issues final  
18 site plan approval for the above project as represented on a map entitled IBM Groundwater  
19 Remediation System Separation, dated April 27, 2016 and last revised June 28, 2016.  
20

21       **BE IT FURTHER RESOLVED**, that this approval is subject to the following  
22 conditions, which must be completed before the plan is signed by the Planning Board Chair:  
23

- 24       1. Provide copy of agreement executed between applicant and GlobalFoundries with respect  
25       to the treatment of ground water on site through the Waste Water Treatment Plant as to  
26       length of term, capacities and alternate discharge.  
27
- 28       2. A \$7,500 inspection fee for the Town's review of the proposed improvements.  
29  
30  
31

32       **BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of  
33 this Resolution, the Chair or other duly authorized member of the Planning Board shall cause a  
34 copy of this Resolution to be file with the Town Clerk and a copy sent to the Applicant/Owner.  
35  
36

1 Resolution Seconded by Planning Board Member John Eickman

2 The votes were as follows:

3 Board Member Jason Paraskeva Absent

4 Board Member Michael O'Brien Recused

5 Board Member John Cutler Aye

6 Board Member Craig Smith Recused

7 Board Member Steve Caswell Recused

8 Alternate Board Member John Eickman Aye

9 Board Chairperson Lori Gee Aye

10

11 Ms. Gee stated that, by the Rule of Necessity, the Motion carries, with a 3-Member unanimous  
12 vote.

13

14

15 **ADJOURNMENT**

16

17 **MOTION made by John Cutler, seconded by John Eickman, to adjourn the**

18 **Planning Board meeting. Voted and carried unanimously.**

19 Respectfully submitted:

20

21

22

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Kathleen Mahodil, Meeting Secretary  
East Fishkill Planning Board